

Your Honor,

My name is Janie Ostlund. I write the Court to speak on behalf of David Harris who is before you today. I am a licensed social worker retired from child welfare services with Clark County Department of Family Services in Las Vegas, Nevada, where David grew up.

David was placed in foster care as an infant. He lived in multiple foster homes while growing up in the foster care system. He was never adopted. As noted in the confidential psychological evaluation report dated June 14, 2019, David has lifelong developmental disabilities and he is legally blind. David was diagnosed with Fetal Alcohol Syndrome (FAS) at an early age. David qualified for special education services from preschool through 12th grade. He graduated high school with a special education diploma.

When David was a freshman in high school, I was assigned as his child welfare social worker. I worked closely with David, his caregivers, the schools, and his support services, and I continued as his case worker until David aged out of foster care.

David was not able to live independently. As he approached age 18 David was transitioned from foster care to a 24-hour staffed group home for disabled individuals through Desert Regional Center Services (DRC). DRC is Nevada's state program for individuals with diagnoses of neurological impairment, intellectual disabilities and/or closely related developmental disabilities, such as autism and fetal alcohol syndrome. David was found qualified to receive DRC services as an adult with substantial limitations in adaptive functioning related to fetal alcohol syndrome and developmental disabilities. After David aged out of foster care and into adult DRC services, I continued to be involved with him as his advocate, mentor, and friend. I have a good sense of how David is and has been over the last decade.

David's DRC group home provided skilled staff to work with David on interpersonal/social skills, anger management, coping skills, and independent living. He received mental health services and treatment for chronic migraine headaches that are painful and debilitating. Despite challenges and setbacks, David improved his behavior through his own efforts and the many supports he received. He was motivated by positive relationships with staff and others. Eventually, David was able to successfully maintain a job working as the morning receptionist for Transition Services, a vocational program for developmentally disabled adults, where he was well-liked by his supervisors.

Since his arrest, David has spent 17 months in detention facilities. As one can imagine, with David's mental health, his vision impairment, and developmental disabilities, each day is an incredibly difficult challenge. On numerous occasions, David has been targeted and harmed by other detainees, resulting in physical injury. He has struggled through bouts of depression including suicidal thoughts. Over the past year or more, David has repeatedly submitted requests for counseling sessions and therapy to help him manage constant feelings of intense anxiety and despair, but such services have never been made available.

With no counseling support, David began working earnestly to find ways to cope. He found it helpful to keep his mind focused as much as possible throughout the day, so he borrowed some anime books from the library. He became interested in writing a story, knowing this would require him to focus and do some research. He was encouraged by visits from those at federal defender services, who provided emotional support and helped him with his research by bringing articles about mythology and such. The library's books on anime were limited so I began sending him books every week. He reads and writes by holding the work very close to his eyes. The close work often triggers migraine headaches, so he sometimes uses meditation to help him relax.

David spends much of his day deeply engaged in these activities of reading, writing, drawing, listening to music, and sometimes meditating. For a time, he worked at studying the Japanese language. It has taken this remarkable effort of discipline for David to survive each day in jail. David calls me twice a week for support and there is no doubt he continues to struggle daily with feelings of despair. Despite his best efforts to avoid others, the frequent incidents of being bullied, targeted, and physically attacked takes such a toll on him. With this lived experience, he is truly terrified at what awaits him in prison.

A few months ago, David also began journaling his daily feelings and activities on a calendar page, which he sends to me each month. Through faithfully attending to his daily strategies, David has tried to become a better person, a goal he mentions often. He works hard to get through each day, one day at a time, as the best person he can be on that day. In the process David has become increasingly self-reflective, insightful, and accountable — and he has expressed remorse.

Over these past 17 months, I have watched David working beyond his limitations, trying to change and grow. I am hopeful that when he gets to prison, he will get the therapy and protection he needs to help him continue.

Your honor, Bryan Stevenson, founder and executive director of Equal Justice Initiative has said, "Each of us is more than the worst thing we have ever done." I hope this honorable Court will agree that David Harris is more than the worst thing he's ever done. I hope the Court will take David's life-long disabilities and mental health into full consideration when deliberating David's sentence and in determining the most appropriate placement.

I especially hope David will be placed in a low security facility with meaningful mental health and other supportive services, where he can continue to grow and continue his effort to become a better person.

Respectfully,
Janie Ostlund
702-287-3737